

REMARKS

Claims 1-7, 11, 12, 15-21, 35-37, 39, 41, 43, and 45 were pending in the present Application before entrance of this Amendment. Claims 36, 37, 39, 41, 43, and 45 have been withdrawn from consideration by the Examiner at this time. Claims 1-7, 11, 12, 15-21, and 35 stand rejected by the Examiner. Claims 1, 4, 5, 6, 7, 35, and 39 are amended by the present Amendment, and new claim 49 has been added. No claims have been canceled. Support for the amendments to claims 1 and 35 can be found on page 3, lines 14-15, of the originally filed Application. Support for new claim 49 can be found in original claims 5 and 6. The other claims have been amended to correct typographical or grammatical errors. Applicant submits that no new matter has been added to this Application by the present Amendment.

Each of the objections and rejections levied by the Examiner in the outstanding Office Action is addressed in turn below.

Claim Objections

Claim 6 has been amended to depend from claim 1 rather than claim 5, thus obviating the Examiner's objection to claim 6.

Regarding claims 4 and 5, these claims were amended in a Preliminary Amendment filed January 18, 2006; however, Applicant mistakenly did not remove the phrase "any one of." The present Amendment removes this phrase. Therefore, amended claims 4 and 5 properly depend from only claim 1. Applicant respectfully submits that the claims currently are in proper form and requests that the Examiner remove the claim objection.

Rejection under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-7, 15-21, and 35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,245,776 ("the '776 patent"). The '776 patent discloses a pharmaceutical formulation of an immune response modifier (IRM) for administration to the cervix for the treatment of such conditions as cervical dysplasia. The presently amended claims recite that the claimed formulation is suitable for delivery to the nasal passage of a subject. Since the '776 patent does not teach this aspect of the claimed invention, Applicant respectfully submits that the

'776 patent does not anticipate the presently claimed invention and requests that this rejection be withdrawn.

Rejection under 35 U.S.C. § 103

The Examiner has rejected claims 1-7, 15-21, and 35 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent 6,331,539 and U.S. 6,083,505 in view of the '776 patent. Applicant respectfully submits that none of the cited references teach or suggest a pharmaceutical formulation with a hydrophilic viscosity enhancing agent as claimed for delivery to the nasal passage of a subject. As would be appreciated by one of ordinary skill in the art, pharmaceutical formulations for delivery to the nasal passage are different than those for delivery to the cervix as taught in the '776 patent; therefore, the combination of references is missing teachings or suggestions to make an IRM-containing pharmaceutical formulation for delivery to the nasal passage. Without such teachings or suggestions, the Examiner has not established a *prima facie* case of obviousness. Therefore, Applicant requests that this rejection be withdrawn.

In view of the above Amendment and Remarks, Applicant believes this Application is in condition for allowance.

If additional fees are due, please charge our Deposit Account No. 23/2825, under Docket No. C1271.70077US00, from which the undersigned is authorized to draw.

Dated: May 10, 2010

Respectfully submitted,

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